

DEPARTMENT OF DEFENSE
OFFICE OF COMPLAINT INVESTIGATIONS

TESTIMONY OF JOE N. BALLARD

(Via Telephone)

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U.S. Army Engineer District - Baltimore
Baltimore, Maryland

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1 claims.

2 A. Uh-huh.

3 Q. In her first one, the claim was improper desk
4 audit procedures were conducted by the EIG. Do you have
5 any firsthand knowledge of that allegation?

6 A. I have knowledge of the allegation. Yes.

7 Q. Okay. Tell me what you know.

8 A. Well I was informed that -- that that was the
9 source of her allegation.

10 Q. Okay. Do you have any knowledge of the desk
11 audit procedures that were conducted by the EIG here at
12 the Baltimore District?

13 A. I have knowledge of the -- of the desk audit.
14 Yes, I do.

15 Q. Okay.

16 A. This all started -- it wasn't just for
17 Baltimore District. It was for the entire corps.

18 I had received a complaint from the CPOC who
19 were supporting us that one of the reasons why they were
20 having difficulties filling out the positions were that
21 the commanders were engaged in override procedures, which

1 was very time consuming. I don't know whether -- let me
2 explain override. You may know this, but let me explain
3 it the way I understood it.

4 When a position was graded out -- let's say a
5 position was graded out by the CPOC as a GS-12, but the
6 commander wanted to make it a 13 or a 14. He could have
7 override procedures.

8 And we were informed at the time that the
9 largest number of overrides -- one of the largest number
10 of overrides in the Department of the Army was with the
11 Corps of Engineers.

12 So this was brought to my attention. I then
13 had Dr. Susan Duncan, who is HR director for the corps,
14 to come in and brief me on that. And so she came in and
15 her -- her statement to me was that, to the best of their
16 knowledge, that was probably a valid complaint on the
17 part of the CPOC.

18 So I then directed the EIG to determine whether
19 or not we had a problem. To go to the field and to do a
20 sampling of the number of overrides through the various
21 districts throughout the corps. And Baltimore was one of

1 those -- one of those districts that was involved in the
2 desk audit of the override procedures.

3 Q. Okay. So how were the positions to be audited,
4 for want of a better term, identified?

5 A. How did we select those positions?

6 Q. Yes, sir.

7 A. We did a representative sampling of positions.
8 That was determined by the HR folks. We wanted to do a
9 cross sampling of all of the positions in the corps. And
10 I will tell you, there are literally hundreds when you
11 count the engineers, the scientists, the administrative
12 support, logistics. And that's how that came about, the
13 initial list.

14 Q. Okay. Specifically, when the list came back
15 down for the Baltimore District, Ms. Haught's position
16 was not on it.

17 A. That may be true or may not be true. I'm not
18 really sure because I was not monitoring it day to day.

19 But my -- I'll just wait for your question. Go
20 ahead.

21 Q. The agency received notification on June the

1 27th -- I'm sorry. January the 27th, 2000 -- that
2 Colonel Berwick's secretary, Ann Haught, would be
3 included in the sample. Do you -- are you aware of that?

4 A. Let me talk about that. And I'll tell you how
5 that came about. And when that came about, it was not
6 directed at any particular desk or individual.

7 Colonel Berwick, at the time, was very much
8 involved with working the D.C. schools problem and we
9 would talk, and the Pentagon renovation. And we were
10 talking on the average of two or three times a week. And
11 part of our conversation, he inquired about the desk
12 audits and so we began to talk about that.

13 And he mentioned, he said to me that his deputy
14 -- and I'm assuming that was Ms. Haught's position -- his
15 deputy's position was a GS -- no. He mentioned his
16 secretary's position, if I'm not -- if I remember
17 correctly, was a GS-10.

18 And I expressed some surprise at that because I
19 didn't think I had any district commanders whose
20 secretaries was a GS-10. That was a high grade.

21 And he alleged that his deputy's position --

1 and I said, well how did that happen. He said, "Well my
2 deputy's position was graded as a GS-9, so the commander
3 made his secretary's position a GS-10." And I don't
4 think that was Colonel Berwick. I don't really know
5 whose term of service or watch that occurred under, but I
6 understand that that's what it was graded at.

7 I then got with Dr. Duncan and the folks and I
8 said, well how many GS-10 secretaries do we have at the
9 district, and what other grades are so sort of skewed out
10 of line. And so we added secretaries and this was across
11 the board, and not just at the Baltimore District. But
12 we added secretaries. We decided to take a look at the
13 grading of attorneys. A couple other positions. Some
14 engineer positions that was not picked up in the original
15 desk audit. And that's the way that came about, in my
16 conversation with Berwick.

17 And that was just the impetus for us to look at
18 other grades much wider. But it most certainly wasn't
19 targeted at just Baltimore District. We looked at
20 secretarial positions in several other districts.

21 Q. Okay. Do you have any firsthand knowledge of

1 the procedures that the IG followed at the agency?

2 A. Well you have to explain to me what you mean by
3 "procedures."

4 Q. Okay. One of the things that Ms. Haught is
5 alleging that she wasn't given written notification that
6 her position was being audited. Do you know --

7 A. I didn't think they had to. And the whole
8 intent of the IG's action was to take a representative
9 sample across the corps of all the positions. Now I
10 can't say, one way or the other, because I didn't get
11 into it, but let me -- I would have to answer that by
12 proposing a question. Did we give everyone else a
13 written notification that there position was audited? I
14 mean, you don't have to answer that.

15 Q. Okay.

16 A. I'm just saying, the intent of the audit was to
17 try to get our grading and staffing positions more in
18 line to what it should have been based upon the grading
19 procedures by the CPOC.

20 Q. In her second allegation, which she says falls
21 in line with the first one, is that improper desk audit